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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,736	03/25/2004	James M. Hayes	Prairie.830010.US0	8184
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HOLLAND & HART, LLP P.O BOX 8749 DENVER, CO 80201			EXAMINER SINGH, RAMNANDAN P	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/809,736	Applicant(s) HAYES ET AL.	
	Examiner Ramnandan Singh	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 8-20 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-20, 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Response to Arguments

1. Applicant's arguments with respect to the rejection under 35 U.S.C. § 112, second paragraph, filed on Jan 14, 2008 have been fully considered but they are not persuasive.

Applicant's argument-- " The claim is specifically claiming a system, the software as an operative part of the system, and the software being provided in a form and nature that causes the system to act according to the four enumerated sub- limitations".

Examiner's response---Examiner respectfully disagrees. As claim 1 recites that the software is not only an operative part of the system, but the software is being executed to initiate a first series of calls ..., identify a call..., play audible message..., classify a telephone number..., Further, the software is executed to create a data file (claim 2), generate reports (claim 3), and so on.... Therefore, the rejection is maintained.

2. Applicant's arguments filed on Jan 14, 2008, with respect to the rejection under 35 U.S.C. § 102, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-3, 8-20, 23-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites “A system for automatically classifying a list of telephone numbers” and “(a) Initiate a first series of calls to telephone numbers---; (b) Play an audible message ...;(c) Identify whether or not ...; and (d) classify a telephone number...”.

It is unclear whether the applicants are claiming “A system” or “A method”. This makes the claim indefinite.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claim s 1-3, 10-12, 15, 23-24, 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou [US 6,850,602 B1] in view of Faith et al [US 4,764,949].

Regarding claim 1, Chou discloses a system 100 for automatically classifying a list of telephone numbers into one or more categories, as shown in Fig. 1a, the system comprising:

- a processor (112) [Fig. 1a];
- a data storage medium (116) for at least temporarily storing the list of telephone numbers [Fig. 1a];
- means (110) for accessing a telephone network (140) [Fig. 1a]; and
- software (i.e. software programs) [col. 5, lines 9-21]] operative on the processor (402) to:

- Initiate a first series of calls to telephone numbers from the list of telephone numbers on a line within the telephone network [Fig. 1c; col. 4, line 15 to col. 5, line 8]; and

- Classify a telephone number as having been live-answered if the call was terminated in response to the audible message or classify a telephone number as not live-answered if the call was not terminated in response to

the audible message [Figs. 4, 5; col. 8, line 62 to col. 9, line 67; col. 6, lines 47-54].

Further, although Chou discloses playing an audible message (or speech signals) using predefined terms, , such as "please leave a message" and identifying call termination types [Figs. 7a, 7b; col. 11, lines 17-52; Abstract], Chou does not teach expressly playing a message that a callee terminate the call. However, this type of playing a message is well-known in the art.

Faith et al teach playing an audible message over the line that requests that a callee (or subscriber) on the line terminate the call (i.e. please hang up) using a processor [col. 7, line 42-68], and identifying whether or not the call has been terminated after the audible message is played [col. 7, lines 15-40].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Faith et al with Chou

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in order to include a predefined term of Faith et al that audibly and politely advises a callee to terminate the call.

Regarding claims 2-3, Chou further discloses the system, wherein the software is further operative on the processor to create a data file (i.e. record) comprising the telephone numbers and the identity of each of the telephone numbers as having been live-answered or not live-answered, and to generate reports based on the data file [Figs. 5-6, 7a, 7b; col. 10, to line 1 to col. 11m line 38].

1 Regarding claim 10, Chou discloses the system, as shown in Fig. 6,
wherein the software (i.e. scheduler) is further operative on the processor
to initiate calls to the not live-answered telephone numbers on a line within
the telephone network and receive audible sounds on the line [Figs 1a, . 6;
5 ; col.3, line 33 to col. 4, line 41; col. 5, lines 9-41; col. 6, lines 47-54].

Regarding claim 11, Chou further discloses the system, wherein the software is further operative on the processor to compare the audible

sounds to one or more known audible sounds to sub-classify the not live-answered telephone numbers [Figs. 4-5; col. 8, line 62 to col. 9, line 67].

Regarding claim 12, Chou further discloses the system, wherein the known audible sounds are comprised of at least portions of spoken messages [Fig. 3c].

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Regarding claim 15, Chou further discloses the system, wherein the spoken messages are comprised of common corporate and answering system greetings (i.e. predefined expression) [Fig. 7b].

Regarding claims 23-24, Chou further discloses the system, wherein the software is further operative to the processor to classify the telephone numbers as live answered or not live-answered [Figs. 1g, 24,

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67a-7b].

Regarding claim 27, Chou further discloses the system, wherein the software is further operative on the processor to compare the audible sounds to one or more known audible sounds to sub-classify the not live-answered telephone numbers [Fig. 6].

Regarding claim 28, Chou further discloses the system, wherein the known audible sounds are comprised of at least portions of spoken messages [Fig. 4].

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7. Claims 1-3, 8-9, 19-20, 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al [US 20030086541 A1] in view of
20 Faith et al [US 4,764,949].

Regarding claim 1, Brown et al disclose a system for automatically classifying a list of telephone numbers into one or more categories, as shown in Fig. 1, the system comprising:

a processor (402) [Fig. 4];

a data storage medium (401) for at least temporarily storing the list of telephone numbers [Fig. 4];

means (403) for accessing a telephone network (102) [Fig. 4]; and

software (i.e. computer program) [Para: 0032] operative on the processor (402) to:

Initiate a first series of calls to telephone numbers from the list of telephone numbers on a line within the telephone network [Fig. 1; Para: 0020-0021]; and

Classify a telephone number as having been live-answered if the call was terminated in response to the audible message [Para: 0021; 0026; 0028; 0033; Table 2] or classify a telephone number as not live-answered if the call was not terminated in response to the audible message [Para: 0034-0035], wherein call classifier is inherently a telephone number classifier because a call refers to a particular telephone number along with the fact that how the call has been terminated [Fig. 1; Para: 0021].

Further, although Brown et al disclose playing an audible message [Para: 0002; 0005; 0033] and identifying call termination types [Para: 0030-0033], Brown et al do not teach expressly playing a message that a callee terminate the call. However, this type of playing a message is well-known in the art.

Faith et al teach playing an audible message over the line that requests that a callee (or subscriber) on the line terminate the call (i.e. please hang up) using a processor [col. 7, line 42-68], and identifying whether or not the call has been terminated after the audible message is played [col. 7, lines 15-40].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Faith et al with Brown et al in order to include a specific message that audibly and politely advises a callee to terminate the call.

Regarding claim 8, Brown et al further disclose the system, wherein

the software is further operative on the processor to identify special information tones (SIT) (203) on the line after initiating the calls [Figs. 3C, 5; Para: 0002; 0005; 0020; 0021; 0024; 0026; 0033; 0035].

Regarding claim 9, Brown et al further disclose the system, wherein the software is further operative on the processor to classify the telephone numbers as not live-answered when the special information tones are identified [Para: 0002; 0021; 0036].

Regarding claims 2-3, Brown et al further disclose the system, wherein the software is further operative on the processor to create a data file (i.e. record) comprising the telephone numbers and the identity of each of the telephone numbers as having been live-answered or not live-answered, and to generate reports based on the data file [Figs. 2A-4; Para: 0034-0037; Table 2]; Figs. 8-11; Para: 0044-0049].

Regarding claim 19, Brown et al further disclose the system, wherein the software is further operative on the processor (402) to at least temporarily store the audible sounds received over the line on the data

storage medium (401) prior to identifying the audible sounds [Fig. 4; Para: 0032-0033].

Regarding claim 20, Brown et al further disclose the system, wherein the software is further operative on the processor to complete the call after receiving and storing the audible sounds but prior to identifying the audible sounds [Fig. 4; Para: 0033].

Regarding claim 25, Brown et al further disclose the system, wherein the software is further operative on the processor to identify special information tones (SIT) (203) on the line after initiating the calls [Figs. 3C, 5; Para: 0002; 0005; 0020; 0021; 0024; 0026; 0033; 0035].

Regarding claim 26, Brown et al further disclose the system, wherein the software is further operative on the processor to classify the telephone numbers as not live-answered when the special information tones are identified [Para: 0002; 0021; 0036].

8. Claims 13-14, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou as applied to claim 11 above, and further in view of Dans [US 6,195,417 b1].

Regarding claim 13, Chou does not teach expressly advising that a telephone number is disconnected.

Dans teaches that a system, wherein the spoken messages are comprised of separate messages advising that a telephone number is disconnected, has been changed, or is privacy blocked [Fig. 6; col. 14, lines 38-67].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Dans with Chou in order to update a caller with the status of lists of telephone numbers [dans; col. 1, line 59 to col. 2, line 13].

Regarding claim 14, Dans further teaches the system, wherein the spoken messages are comprised of separate messages advising that all

circuits are busy or that an area code has changed [col. 14, lines 54-62;
col. 15, lines 15-17].

Regarding claim 16, Dans further teaches the system , wherein the
software is further operative on the processor to identify and classify a
telephone number from which audible sounds are received that are not
similar to the one or more known audible sounds [col. 14, lines 15-37].

Regarding claim 17, Dans further teaches the system, wherein the
software is further operative on the processor to create a data file
comprising the not answered telephone numbers and a sub-classification
for each of the not live-answered telephone numbers based on the one or
more known audible sounds [col. 15, line 50 to col. 16, line 3].

Regarding claim 18, Dans further teaches the system , wherein the
software is further operative on the processor to generate reports based on

the data file [col. 16, lines 4-14].

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (571) 272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access

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to the automated information system, call 800-786-9199 (IN USA OR
CANADA) or 571-272-1000.

/ Ramnandan Singh/
Primary Examiner
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